

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
AUGUST 2, 2005
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:03 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Melina Castro, Eddie Holguin, Jr., Steve Ortega and Beto O'Rourke. Absent: Presi Ortega, Jr. The invocation was given by Reverend Lisle H. Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATION

NATIONAL NIGHT OUT DAY

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CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

Mr. William F. Hart, Jr., spoke on the following issues: tolls, EZ Pass - a Toll Collection company, speeding through tollbooths, use of toll fees to construct bridges and roads and increasing toll fees upon the completion of construction projects.

Mr. Walt Phillips spoke on El Paso's finest Police officers and increasing DWI/DUI task forces. He asked Council Members to increase the El Paso Police Department's budget to allow an additional academy class, and asked everyone to tell the Police officers that they do are doing good job.

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Motion made by Representative Lozano, seconded by Representative O'Rourke and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 9:17 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY
 Section 551.072 DELIBERATION REGARDING REAL PROPERTY
 Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
 Section 551.074 PERSONNEL MATTERS
 Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
 Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- 24A.** Litigation against Asarco to collect the costs of remediating properties in and around the El Paso metals site. (551.071)
- 24B.** ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR. (551.071)
- 24C.** ASARCO Particulate Reduction Contract. (551.071)
- 24D.** In the Matter of a Court of Inquiry Cecilio Soto, Cause No. 20040D01555. (551.071)

Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **ADJOURN** the **EXECUTIVE SESSION** and **RECONVENE THE MEETING** of the City Council at 9:48 a.m.

Representative Lozano was not present for the vote.

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 Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted.
 (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

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 *Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **APPROVE** the Minutes for Regular City Council Meeting of July 26, 2005 and Minutes for the Special City Council Meetings of July 25, 2005 (Agenda Review).

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 *Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **EXCUSE** absent City Council Member Presi Ortega, Jr. from the August 2, 2005 Regular Council Meeting.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to exercise the City's option to extend the Professional Services Agreement by and between the City of El Paso and Larson, Dodd, Stewart & Myrick, LLC and to sign an Extension Agreement.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That, in accordance with the provisions of Section 2 of the Ordinance No. 15987, dated January 18, 2005, the Mayor be authorized to approve the Bylaws and the accompanying Rules of Order adopted by the Workforce Retraining Advisory Committee at its meeting of July 7, 2005, as "rules and regulations for the government of its proceedings as may be deemed proper."

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Contract between the **CITY OF EL PASO** and **STEVE COLEMAN**, to assist the Metropolitan Planning Organization as a Transportation Special Projects Planner, at a biweekly rate of \$1,240.00, for up to 20 hours per week. The term of the contract shall be for the period of August 3, 2005 through August 2, 2007.

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***RESOLUTION**

WHEREAS, the City of El Paso (the "**City**") desires to restate the City of El Paso Employee Health Benefit Plan document (the "**Plan**") to: (i) add/change certain definitions in the Plan; (ii) amend certain headings in the Plan; (iii) clarify certain provisions in the Plan; (iv) include in the Plan the notice of privacy practices required under the Health Insurance Portability and Accountability Act ("HIPAA")/Department of Health and Human Services; and (v) make various "clean-up" changes to the Plan.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council hereby adopts the Restated City of El Paso Employee Health Benefit Plan, effective as of September 1, 2005.

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***RESOLUTION**

WHEREAS, the City of El Paso, through the Department of Parks and Recreation, provides recreational services, including educational opportunities and other services, to the citizens of El Paso through the Department of Parks and Recreation; and

WHEREAS, Ysleta Independent School District provides educational and recreational services to the students and citizens within the school district; and

WHEREAS, the City of El Paso recognizes the benefit the parks and recreational facilities adjacent to school facilities would bring to citizens of El Paso; and

WHEREAS, Ysleta Independent School District desires to join the City of El Paso for the purpose of enhancing the quality of recreational facilities incident to its school purposes; and

WHEREAS, the City of El Paso and Ysleta Independent School District desire to enhance the quality of recreational programs and services by entering into this Agreement to share facilities within both organizations; and

WHEREAS, the City of El Paso and Ysleta Independent School District are authorized to enter into this Agreement under the provisions of Chapter 791, Texas Government Code; and

WHEREAS, the City of El Paso and Ysleta Independent School District recognize that this Agreement to share facilities for the enhancement of recreational and educational services available to the citizens of El Paso would improve the efficiency and effectiveness of their respective local governments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute an Inter-Governmental Agreement between the City of El Paso and the Ysleta Independent School District establishing a reciprocal facility use between the two entities that will enhance the quality of recreational programs and services available to the citizens of El Paso. Said Agreement is for an initial five-year term with renewal options.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, E. PEINADO DEVELOPMENT CO, owners of the hereinafter described property, were given notice that property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owners failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5300 Block of Chromite - City of El Paso, El Paso County, Texas, being more particularly described as Lot Sec of 1 (0.183 Acre), Block 2, Town & Country Village Replat Subdivision, Parcel #T645-999-0020-1000,

to be ONE HUNDRED TWENTY NINE AND 90/100 (\$129.90) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the twenty third day of November, 2004, and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED TWENTY NINE AND 90/100 (\$129.90) to be a lien on the above described property, said amount being due and payable within thirty (30) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, SOUTHWESTERN BELL TELEPHONE, owner of the hereinafter described property, was given notice that property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owners failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

1300 Block of N. Resler - City of El Paso, El Paso County, Texas, being more particularly described as Lot 10 (1986.00 SQ FT), Block 15, Sierra Hills #3 Subdivision, Parcel #S380-999-0150-1000,

to be SIXTY FOUR AND 94/100 (\$64.95) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the twenty first day of October, 2004, and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount SIXTY FOUR AND 94/100 (\$64.95) to be a lien on the above described property, said amount being due and payable within thirty (30) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, GARY PENN, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5965 Sixta Drive - City of El Paso, El Paso County, Texas, being more particularly described as Lot 4 (EXC SELY TRIA) & SELY TRIA of Lot 3 (S#KBTXSN880A294 [10408.45 SQ FT]), Block 3, Harvest Moon Farms Subdivision, Parcel #H140-999-0030-0040,

to be FIVE HUNDRED EIGHTY-FOUR AND 55/100 (\$584.55) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the twelfth day of October, 2004, and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FIVE HUNDRED EIGHTY-FOUR AND 55/100 (\$584.55) to be a lien on the above described property, said amount being due and payable within thirty (30 days) from the date of City Council approval, and thereafter being ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, STELLA OSTER, owner of the hereinafter described property, was given notice that property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owners failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5557 Peinado Lane - City of El Paso, El Paso County, Texas, being more particularly described as Lot 25 (9204 SQ FT), Block 2, Alta Mira Subdivision, Parcel #A490-999-0020-4900,

to be FIVE HUNDRED SIXTY AND 19/100 (\$560.19) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the twenty first day of December, 2004, and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FIVE HUNDRED SIXTY AND 19/100 (\$560.19) to be a lien on the above described property, said amount being due and payable within thirty (30) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, GABRIEL RIVERA, owner of the hereinafter described property, was given notice that property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owners failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

4809 Debeers Drive - City of El Paso, El Paso County, Texas, being more particularly described as Lot 8 (7303 SQ FT), Block 82, Sun Valley #8 Subdivision, Parcel #S816-999-0820-4300,

to be ONE HUNDRED FORTY SIX AND 14/100 (\$146.14) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the twenty seventh day of September, 2004, and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED FORTY SIX AND 14/100 (\$146.14) to be a lien on the above described property, said amount being due and payable within thirty (30) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, PEGGY J. & DAVID OXFORD, owners of the hereinafter described property, were given notice that property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owners failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5328 Mickey Mantle Avenue - City of El Paso, El Paso County, Texas,
being more particularly described as Lot 8 (4959.95 SQ FT), Block 14,
Cooperstown Subdivision, Parcel #C762-999-0140-0800,

to be SEVENTY AND 36/100 (\$70.36) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the twelfth day of October, 2004, and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount SEVENTY AND 36/100 (\$70.36) to be a lien on the above described property, said amount being due and payable within thirty (30) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JOEL T. SILVA, owner of the hereinafter described property, was given notice that property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owners failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

10700 Coral Sands - City of El Paso, El Paso County, Texas, being more particularly described as Lot 27 (5444.11 SQ FT), Block 32, Pleasant Hills Unit 7 Subdivision, Parcel #P863-999-0320-2700,

to be FOUR HUNDRED FORTY THREE AND 83/100 (\$443.83) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the sixteenth day of September, 2004, and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FOUR HUNDRED FORTY THREE AND 83/100 (\$443.83) to be a lien on the above described property, said amount being due and payable within thirty (30) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, CORINA O. & ANTONIO CHAVEZ, owner of the hereinafter described property, was given notice that property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owners failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

11336 Menlo Avenue - City of El Paso, El Paso County, Texas, being more particularly described as Lot 10, Block 7, Kimberly Heights Subdivision, Parcel #K383-999-0070-1000,

to be ONE HUNDRED TWENTY NINE AND 90/100 (\$129.90) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the thirtieth day of November, 2004, and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED TWENTY NINE AND 90/100 (\$129.90) to be a lien on the above described property, said amount being due and payable within thirty (30) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, GILBERTO AND MARTHA I. MARTINEZ, owners of the hereinafter described property, were given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owners failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

11340 Menlo Avenue - City of El Paso, El Paso County, Texas, being more particularly described as Lot 11, Block 7, Kimberly Subdivision, Parcel #K383-999-0070-1100,

to be ONE HUNDRED EIGHTY-FOUR AND 03/100 (\$184.03) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the thirtieth day of November, 2004, and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED EIGHT-FOUR AND 03/100 (\$184.03) to be a lien on the above described property, said amount being due and payable within thirty (30 days) from the date of City Council approval, and thereafter being ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, VETERANS ADMINISTRATION c/o DEPARTMENT OF VETERAN'S AFFAIRS, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3580 Chime Tower - City of El Paso, El Paso County, Texas, being more particularly described as Lot 24 (9777.54 SQ FT), Block 42, Vista Real #3 Subdivision, Parcel #V927-999-0420,

to be TWO HUNDRED FIVE AND 68/100 (\$205.68) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the first day of October, 2004, and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED FIVE AND 68/100 (\$205.68) to be a lien on the above described property, said amount being due and payable within thirty (30 days) from the date of City Council approval, and thereafter being ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

Ms. Lisa Turner, citizen, asked questions regarding the cleaning of the Veterans Administration property and could the City file a lien against another government entity.

The following City staff members commented:

1. Ms. Ellen Smyth, Director of Solid Waste Management, noted that the property was currently vacant and explained the process used by Building Permits & Inspections and Solid Waste Departments regarding complaints against properties that are not clean.
2. Mr. Charlie McNabb, City Attorney, explained the process the City uses when notifying owners of record.
3. Ms. Joyce Wilson, City Manager, noted that the City files liens against the owner of record and responded yes, the City could file a lien against other government entities.

Representative Lozano commented.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, IGLESIA DE CRISTO, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

11800 Block of Vista Del Sol Drive - City of El Paso, El Paso County, Texas, being more particularly described as Lot 12 EXC SE TRIA (45.09' pm NW. 35.09 FT on ST, 53.14 FT on SE [143883.23 SQ FT]), Block 327, Vista Del Sol #66 Subdivision, Parcel #V893-999-3270-1200,

to be SEVEN HUNDRED EIGHTY-FOUR AND 81/100 (\$784.81) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the seventeenth day of December, 2004, and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount SEVEN HUNDRED EIGHTY-FOUR AND 81/100 (\$784.81) to be a lien on the above described property, said amount being due and payable within thirty (30 days) from the date of City Council approval, and thereafter being ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MELBA C. TAYLOR, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

10104 Chinaberry Drive - City of El Paso, El Paso County, Texas, being more particularly described as Lot 10, Block 23, Eastwood Replat Subdivision, Parcel #E107-999-0230-5500,

to be TWO HUNDRED NINETEEN AND 34/100 (\$219.34) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the twenty-first day of September, 2004, and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED NINETEEN AND 34/100 (\$219.34) to be a lien on the above described property, said amount being due and payable within thirty (30 days) from the date of City Council approval, and thereafter being ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

.....
***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, AURORA RAMIREZ, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

8377 Roseway Drive - City of El Paso, El Paso County, Texas, being more particularly described as Lots 38 to 41, Long Horn Park Subdivision, Parcel #L647-999-0010-8300,

to be NINE HUNDRED TWENTY AND 13/100 (\$920.13) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the twenty-sixth day of October, 2004, and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount NINE HUNDRED TWENTY AND 13/100 (\$920.13) to be a lien on the above described property, said amount being due and payable within thirty (30 days) from the date of City Council approval, and thereafter being ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

.....
***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JOSEPH S. ABRAHAM, JR., owner of the hereinafter described property, was given notice that property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owners failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

1725 Arizona - City of El Paso, El Paso County, Texas, being more particularly described as Lot 11 to 14, Block 5, Golden Hill Subdivision, Parcel #G537-999-0050-2900,

to be FOUR HUNDRED EIGHTY ONE AND 71/100 (\$481.71) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the fifteenth day of October, 2004, and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FOUR HUNDRED EIGHTY ONE AND 71/100 (\$481.71) to be a lien on the above described property, said amount being due and payable within thirty (30) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, GABRIEL RIVERA, owner of the hereinafter described property, was given notice that property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owners failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

612 Florence - City of El Paso, El Paso County, Texas, being more particularly described as Lot 16 (3120 SQ FT), Block 107, Campbell Subdivision, Parcel #C050-999-1070-5700,

to be TWO HUNDRED SEVENTY SIX AND 04/100 (\$276.04) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the first day of October, 2004, and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED SEVENTY SIX AND 04/100 (\$276.04) to be a lien on the above described property, said amount being due and payable within thirty (30) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MARTN SWEED, owner of the hereinafter described property, was given notice that property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owners failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3505 Wyoming - City of El Paso, El Paso County, Texas, being more particularly described as Lot 3 & 4 (7000 SQ FT), Block 74, East El Paso Subdivision, Parcel #E014-999-0740-0600,

to be FIVE HUNDRED THIRTY AND 43/100 (\$530.43) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the fifteenth day of October, 2004, and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FIVE HUNDRED THIRTY AND 43/100 (\$530.43) to be a lien on the above described property, said amount being due and payable within thirty (30) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....
*Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **APPROVE** the Staffing Table Change for Building & Planning Services

Add	1.00	Secretary III	GS 19
Delete	1.00	Secretary II	GS 16
Fund Source: 14010703-01101-14703			

.....
*Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **APPROVE** the Staffing Table Change for Fire

Add	1.00	Planner III	PM 80
Delete	1.00	Planner II	PM 76
Fund Source: 22010330-01101-22000			

.....
*Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **APPROVE** the request from Angel De La Cruz, of Fleet Services for Special Sick Leave.

NOTE: Item was revised to read Fleet Services from Street Department as originally posted.

.....
*Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **RE-APPOINT** Enriqueta Natividad to the City Accessibility Advisory Committee by Representative Steve Ortega, District 7.

.....
*Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **APPOINT** Barbara R. Esparza to the Community Development Steering Committee by Representative Susie Byrd, District 2.
.....

*Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried that the following tax refunds be **APPROVED**:

- A. GMAC Mortgage Corp. in the amount of \$2,540.24 overpayment of 2004 taxes.
(PID #C340-999-013A4300)
- B. Citifinancial Mortgage in the amount of \$2,999.98 overpayment of 2002 taxes.
(PID #G686-999-0100-3700).
- C. FNIS Tax Services in the amount of \$2,890.04 overpayment of 2004 taxes.
(PID #H369-999-000A-0700)
- D. Richmond Title Service in the amount of \$3,325.79 overpayment of 2004 taxes.
(PID #R460-999-0270-0200)
- E. Option One Mortgage LSI Tax Services in the amount of \$3,338.71 overpayment of 2004 taxes.
(PID #U819-000-0230-06J0)
- F. Countrywide Tax Service in the amount of \$4,855.88 overpayment of 2002 and 2003 taxes.
(PID #W144-999-0140-0100)

.....
*Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **APPROVE** the request authorizing to allocate the use of District #4 Discretionary Funds in the amount of \$1,000.00 to assist the Northeast Regional Command Center for Pride Day activities planned for October, 2005. (Dept ID #01010004; Account #504420; Fund #01101; Class #01001)

.....
*Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **APPROVE** Change Order No. One (Construction Change) to Salazar Drilling Company for Contract No. 2005-097, EPIA – Lone Star Golf Course Well project for a decreased amount of \$92,822.00. This Change Order will increase contract time by 30 days. It is requested that the City Manager and City staff be authorized to execute budget transfers for this change order, as necessary.

The purpose of this Change Order is to reduce the City's contract with Salazar Drilling Company (Contract No. 2005-097) by \$92,882.00. Low levels of ground water and the poor quality of water encountered did not comply with the minimum requirements for irrigation. As a result the well was abandoned. This change order also increases contract time by 30 days. This was an emergency project and the original contract time period of 40 days was not adequate to perform the work.

.....
Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following agenda item:

Approve Change Order No. One (Construction Change) to J.A.R. Concrete Inc., for Contract No. 2005-124, Alabama Street and Drainage Improvements project, for an increased amount of \$100,582.00. This Change Order will increase contract time by 10 days. It is requested that the City Manager and City staff be authorized to execute budget transfers for this change order, as necessary.

The purpose of this Change Order is to increase the City's contract with J.A.R. Concrete Inc., (Contract No. 2005-124) by \$100,582.00. Installation of the proposed traffic conduits and junction boxes, while Alabama Street is already under construction, will avoid damage to the new pavement in the future.

There was no discussion.

Motion made by Representative Lozano, seconded by Representative O'Rourke and unanimously carried to **APPROVE** Change Order No. One (Construction Change) to J.A.R. Concrete Inc., for Contract No. 2005-124, Alabama Street and Drainage Improvements project, for an increased amount of \$100,582.00. This Change Order will increase contract time by 10 days. It is requested that the City Manager and City staff be authorized to execute budget transfers for this change order, as necessary.

The purpose of this Change Order is to increase the City's contract with J.A.R. Concrete Inc., (Contract No. 2005-124) by \$100,582.00. Installation of the proposed traffic conduits and junction boxes, while Alabama Street is already under construction, will avoid damage to the new pavement in the future.

Representative Steve Ortega abstained from the vote.

.....
*Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-199 Temporary Personnel

Award to: Advance'd Temporaries, Inc.
El Paso, TX
Item (s): #1 - 7
Amount: \$55,252.50 (estimated yearly)

Department: Human Resources
Funds available: 09010027-01101-502001 and Various Others
Funding source: Human Resources Administration, Operating Account, Temporary Services and Various Others
Total award: \$165,757.50 (estimated)

Human Resources and Purchasing recommend awards as indicated, Advance'd Temporaries, Inc. is the lowest bid that provides and meets the Best Value Criteria and its specifications.

This is a thirty-six [36] month contract with the option to renew contract one (1) additional year. Additionally, Advance'd Temporaries, Inc. offers a 1% 20 days Prompt Payment Discount.

.....
*Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-203 Temporary Personnel Backup Service for Various City Departments

Award to: RMPersonnel, Inc.
El Paso, TX
Item (s): #1 - 2
Amount: \$21,762.00 (estimated yearly)

Department: Human Resources
Funds available: 09010027-01101-502001 and Various Others
Funding source: Human Resources Administration, Operating Account, Temporary Services and Various Others
Total award: \$65,286.00 (estimated)

Human Resources and Purchasing recommend awards as indicated, RMPersonnel, Inc., is the bid that provides and meets the Best Value Criteria and its specifications.

This is a thirty-six [36] month contract with no option to renew contract. Additionally, RMPersonnel, Inc. offers a 1% 10 days Prompt Payment Discount.

.....

*Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-220 Installation of Hardware Components in Police Vehicles

Award to: R.T.C., Inc.
El Paso, TX
Item (s): All
Amount: \$71,885.00 (estimated)

Department: Police
Funds available: 04200401-29209-508006 Project PMB0005009
Funding source: Capital Acquisition, Public Safety, Vehicular Equipment
Total award: \$71,885.00 (estimated)

Police and Purchasing recommend award as indicated, R.T.C., Inc. is the only authorized local Motorola Service Station. R.T.C., Inc. is the only bidder meeting all aspects of this Best Value Procurement. This is a one-year contract.

Mr. Richard Schechter, citizen, commented on an item previously posted on a City Council agenda and asked what equipment would be installed in the Police Department vehicles with this Best Value Procurement and requested that detail be listed on the agenda regarding items purchased.

Mr. Byron Johnson, Director of Purchasing, responded to Mr. Schechter's comments.

Mayor Cook noted that Motorola had certified R.T.C., Inc., as a dealer and installer to include warranty work, to allow for a local vendor.

.....
*Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **APPROVE** budget transfer BT2005-1397 AIRPORT

Transfer of funds to cover the acquisition and installation of two surface mounted vehicle lifts.

Increase	\$6,328	to	62620020/P50000441022/508003	BldgImprvmnt
Increase	\$6,328	to	62620020/P50000441022/407001	IntrfndTrnsfrln
Increase	\$6,328	to	62620018/P50000241021/407002	EstRevenue
Increase	\$6,328	to	62620018/P50000241021/507001	IntrfndTrnsOut

.....
*Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **APPROVE** budget transfer BT2005-1398 AIRPORT

Transfer of funds to cover the cost of herbicide and dust control along Global Reach Drive for the rest of the year based on current year use.

Increase	\$3,000	to	62620039/40101/503113	LandMaintSup
Increase	\$3,000	to	62620039/40101/407001	IntrfndTrnsfrln
Increase	\$3,000	to	62620018/P50000241021/407002	EstRevenue
Increase	\$3,000	to	62620018/P50000241021/507001	IntrfndTrnsOut

.....
*Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **APPROVE** budget transfer BT2005-1402 OMB/IT

OMB & IT propose to appropriate \$180,000 to an E-Verge project to fund consultant fees for the remainder of the contractual obligation to install PeopleSoft Modules, Asset Management and Budget Module along with the HR Upgrade. Technology usage of these funds is the remaining non-specific authorized utilization. Funding source is Series 2001A CO's.

Decrease	\$180,000	from	31250204/PPW020460504/508000	Land
Increase	\$180,000	to	31250204/PPW020460504/507001	IntrfndTrnsOut
Increase	\$180,000	to	31250204/PPW020660506/407001	IntrfndTrnsfrln
Increase	\$180,000	to	31250204/PPW020660506/508028	ProjectConsult

Mr. Ray Gilbert, Jr., citizen, noted that the specific purpose for the Series 2001A CO's was for land and commented on Local Government Code, Chapter C.

Mr. David Almonte, Director of OMB, explained that it was within the issuance and governance of the CO issue to reallocate the funds. He stated that the funds were no longer to be used for the purchase of land.

Mayor John Cook noted that the wording for the Series 2001A COs issuance was vague enough to allow the funds to be used for this project. He complimented Mr. Gilbert for ensuring that the City remove vague language when requesting the issuance of COs and GOs.

.....
 *Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **APPROVE** budget transfer BT2005-1410 AIRPORT

Transfer of funds to cover the cost of an air conditioner compressor for the ARFF Station to replace a defective unit.

Increase	\$3,000	to	62620010/40101/503200	Bldg/FacMaint
Increase	\$3,000	to	62620010/40101/407001	IntrfndTrnsfrln
Increase	\$3,000	to	62620018/P50000241021/407002	EstRevenue
Increase	\$3,000	to	62620018/P50000241021/507001	IntrfndTrnsOut

.....
 *Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **APPROVE** the request of Irvin High School to hold a homecoming parade on August 13, 2005 from 6:00 p.m. to 7:30 p.m. Route: Start at Irvin High School North parking lot on Sanders to Roanoke, turn right on Roanoke to Joe Herrera, turn right on Joe Herrera to Raymond Telles, turn right on Raymond Telles to Wren, turn left on Wren to Shoppers, turn right on Shoppers to Sanders, turn right on Sanders and finish at the double gate entering the football stadium. Approximately 250 persons, 50 vehicles will take part and 1,000 spectators are anticipated. PERMIT # 05-090 [Allen M. Wright]

.....
 *Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **APPROVE** the request of Neighborhood Watch to block off Bell Tower between Sunset Rose and Angel Face, and block off Angel Face between 3501 and 3505 on August 2, 2005 from 7:00 p.m. to 10:00 p.m. for a National Night Out block party. Approximately 300 persons will take part and 300 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (2 speakers, 2 amplifiers and 2 microphones). PERMIT # 05-094 [Laura Aros]

.....
 Motion made by Representative Lozano, seconded by Representative O'Rourke and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Lilly was not present for the vote.

- A.** An Ordinance changing the zoning of the North 138.00 feet of Lot 9 and the West half of Lot 10, Block 7, North Loop Gardens Unit 1, El Paso, El Paso County, Texas from A-2 (Apartment) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Eduardo and Adriana Barboza. Location: 510 East Road. ZON05-00029

NOTE: THIS IS AN APPEAL CASE.

- B.** An Ordinance changing the zoning of a portion of Lot 2, Block 46, Sun Ridge Subdivision Unit 12, El Paso, El Paso County, Texas from A-O/SC (Apartment-Office/Special Contract) to C-2/SC (Commercial/Special Contract). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Three Amigos Investments. Location: 2100 Block of N. Zaragoza. ZON05-00047
- C.** An Ordinance changing the zoning of Tract 16-P-1-A, Block 36, Ysleta Grant, El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Christy & Esteban Armendariz. Location: 8553 Alameda. ZON05-00050
- D.** An Ordinance changing the zoning of Lot 10, Block 23, Cooperstown Subdivision Unit 2, El Paso, El Paso County, Texas from A-O/SC (Apartment-Office/Special Contract) to C-1/SC/C (Commercial/special contract/conditions). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: David Scepanski. Location: 5270 Sean Haggerty. ZON05-00051
- E.** An Ordinance changing the zoning of Lots 1, 2 and 3, Block 1, Duenas Subdivision, El Paso, El Paso County, Texas from R-4 (Residential) to R-5 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Joaquin Santoyo. Location: 5301, 5305 and 5309 Thorn Avenue. ZON05-00054
- F.** An Ordinance changing the zoning of Tract 2A, Block 1, Ysleta Grant and Tract 3B, Block 56, Ysleta Grant, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Ben L. Ivey LTD. Location: 700-900 Blocks of Americas Blvd. ZON05-00055
- G.** An Ordinance changing the zoning of all of Lot 17 and the East 6.25 feet of Lot 18, Block 44, Supplemental Map No. 1 of East El Paso, El Paso, El Paso County, Texas from A-3 (Apartment) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Antonio Frank San Roman. Location: 3330 Gateway East. ZON05-00056

PUBLIC HEARING WILL BE HELD ON AUGUST 23, 2005 FOR ITEMS A – G

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
NO ACTION WAS TAKEN regarding discussion and action on the celebrating a Youth in Government.

Representative Steve Ortega asked Mr. Walt Phillips, citizen, to expound on his Youth in Government idea. He suggested that via Proclamation or some other form of recognition, the Mayor's office designate two days of the year to allow for the Youth in Government project.

Mr. Phillips further explained his proposal regarding involving area students in City government. He suggested that nine students be selected in the Fall and nine students in the Spring to participate in the program.

.....

Motion made by Representative Lozano, seconded by Representative O'Rourke and unanimously carried to **DELETE** Operation Santa Claus to hold a toy delivery parade on December 9, 2005 from 1:00 p.m. to 3:00 p.m. Route: Start at Pleasonton/Chelsea gate, proceed on Chelsea to Paisano, continue on Paisano to St. Vrain, turn left on St. Vrain to Sixth St., turn right on Sixth St. to Florence and finish at the Boys & Girls Club – 801 S. Florence St. Streets blocked will be Sixth St. between Ochoa and Campbell, Florence between Seventh and Fr. Rahm and Ochoa between Seventh and Fr. Rahm. Approximately 150 persons, 25 vehicles will take part and 150 spectators are anticipated. This request includes permission to use amplification (1 amp and 2 speakers). Request waiver of fees for the necessary police traffic assistance for a parade. Signed affidavit submitted. PERMIT # 05-092 [SFC James Prim]

Mayor John Cook commented on the City co-sponsoring the event.

The following City staff members commented:

1. Mr. Alan Shubert, Director of Building Permits and Inspections
2. Ms. Lisa Hayes, Assistant City Attorney, noted that the Legal Department would place an co-sponsorship agreement Ordinance for introduction on the August 9, 2005 City Council agenda.

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A RESOLUTION APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2005

WHEREAS, the City Council of the City of El Paso, Texas (the "City"), has determined that Certificates of Obligation should be issued under and pursuant to the provisions of V.T.C.A., Local Government Code, Subchapter C of Chapter 271, for the purpose of paying contractual obligations to be incurred for the purposes set forth below; and

WHEREAS, prior to the issuance of such certificates, the City Council is required to publish notice of its intention to issue the same in a newspaper of general circulation in the City, said notice stating: (i) the time and place the City Council tentatively proposes to pass the ordinance authorizing the issuance of the certificates; (ii) the maximum amount proposed to be issued; (iii) the purposes for which the certificates are to be issued; and (iv) the manner in which the City Council proposes to pay the certificates;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS THAT:

SECTION ONE. The City Clerk is hereby authorized and directed to cause notice to be published of the City Council's intention to issue certificates of obligation in a principal amount not to exceed \$17,635,000 for the purpose of paying contractual obligations to be incurred for the following purposes, to wit: (i) constructing, remodeling, renovating and improving the Plaza Theater Performing Arts Centre (the "Theater"); (ii) acquiring materials, supplies, equipment, machinery, buildings, land and rights of way for authorized needs and purposes of the Theater; and (iii) paying professional services rendered in connection therewith; such certificates to be payable from ad valorem taxes and a limited pledge of the net revenues of the City's toll bridge system. The notice hereby approved and authorized to be published shall read substantially in the form and content of Exhibit A attached hereto and incorporated herein by reference as a part of this Resolution for all purposes.

SECTION TWO. The City Clerk shall cause the aforesaid notice to be published in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of first publication to be at least fifteen (15) days prior to the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation.

SECTION THREE. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by V.T.C.A., Government code, Chapter 551, as amended.

SECTION FOUR. This Resolution shall be in force and effect from and after its passage on the date shown below.

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CITY OF EL PASO, TEXAS, CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of El Paso, Texas, shall convene at 9:00 o'clock A.M. on the 23rd day of August, 2005, at its regular meeting place thereof on the second floor of the Municipal Building, 2 Civic Center Plaza, El Paso, Texas, and during such meeting, the City Council will consider the passage of an ordinance authorizing the issuance of certificates of obligation in a maximum principal amount of \$17,635,000 for the purpose of paying contractual obligations to be incurred for the following purposes, to wit: (i) constructing, remodeling, renovating and improving the Plaza Theater Performing Arts Centre (the "Theater"); (ii) acquiring materials, supplies, equipment, machinery, buildings, land and rights of way for authorized needs and purposes of the Theater; and (iii) paying professional services rendered in connection therewith; such certificates to be payable from ad valorem taxes and a pledge of certain revenues of the City's toll bridge system. The certificates are to be issued, and this notice is given, under and pursuant to the provisions of V.T.C.A., Local Government Code, Subchapter C of Chapter 271.

Mayor Cook allotted each member of the public four minutes to address the Council.

1ST MOTION:

Motion made by Representative O'Rourke, seconded by Representative Lozano and unanimously carried to **ALLOW MR. ALBERT JEFFERSON TWO ADDITIONAL MINUTES** to address the Council.

Mayor Cook responded to comments made by Mr. Jefferson.

2ND MOTION:

Motion made by Representative Castro, seconded by Representative Holguin and unanimously carried to **ALLOW MS. LISA TURNER ONE ADDITIONAL MINUTE** to address the Council.

Mayor Cook and Representative O'Rourke responded to comments made by Ms. Turner

3RD MOTION:

Motion made by Representative Lozano, seconded by Representative Castro and unanimously carried to **ALLOW MR. RAY GILBERT, JR. TWO ADDITIONAL MINUTES** to address the Council.

4th Motion:

Motion made by Representative Steve Ortega, seconded by Representative O'Rourke and carried to **APPROVE** the above Resolution and Notice of Intent, **AS AMENDED**.

AYES: Representatives Lilly, Byrd, Steve Ortega and O'Rourke

NAYS: Representatives Lozano, Castro and Holguin

The Motion **PASSED** 4-3.

Mayor John Cook and Representatives Holguin, Lozano, O'Rourke, Castro and Steve Ortega commented.

Mayor Cook asked Mr. Bill Studer, Deputy City Manager for Financial and Administrative Services, to explain revenue bonds and why there was not historical capacity to use parking meter revenue. He gave an historical account regarding the financial history of the Plaza Theatre restoration project.

Representative O'Rourke suggested the following language be inserted in the Resolution language: "Any funds not applied to the above mentioned purposes shall be returned to the voters (taxpayers)".

Ms. Joyce Wilson, City Manager, responded that the language, as proposed by Representative O'Rourke, is currently written in the bond covenants.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager, requested that staff clarify, for the record, the change in the estimated amount of \$14.5 million and the Council authorization of \$17.8 million, after public discussion was heard, was formally approved by Council. She stated for the record, that very few arts, entertainment and cultural facilities generate sufficient monies from income to be totally self-sufficient.
2. Mr. Bill Studer, Deputy City Manager for Financial and Administrative Services, clarified that the El Paso Community Foundation had indicated that the project was costing more than previously considered and had come forward to ask Council to increase the City's contribution from \$14.5 million to \$17.8 million. He stated that as per the Agreement, the El Paso Community Foundation's monies would be
3. Mr. Byron Johnson, Director of Purchasing, stated that the City had advertised Request for Proposals on the operation and maintenance of the Plaza Theatre and the response submitted by SMG was selected.
4. Mr. Charlie McNabb, City Attorney, commented on surplus bond fund uses and stated that the Plaza Theatre was the property of the City of El Paso, not the El Paso Community Foundation.
5. Ms. Pat Adaudo, Deputy City Manager for Building and Planning Services, explained the disbursement of El Paso Community Foundation and City of El Paso monies for the project and gave a report regarding the status of construction.
6. Mr. Daryl Cole, Street Director, explained at September 2004, parking meter fees were increased to 50¢ and revenue generated by that increase has been set aside, in a separate account, to service the debt for the project.

The following members of the public commented:

1. Mr. Paul Braden, bond counsel, gave copies of the revised Resolution and Notice of Intent language to Council Members and responded to questions and/or comments of the Council Members. He explained that an Ordinance and bond document would be presented to the Council at the August 23rd City Council meeting.
2. Mr. Hector Zavaleta, First Southwest Company, gave a Powerpoint presentation and responded to questions and/or comments of the Council Members. (presentation on file in the City Clerk's Office)
3. Mr. Albert Jefferson
4. Ms. Lisa Turner
5. Mr. Walt Phillips
6. Mr. Ray E. Gilbert, Jr.
7. Mr. Eric Pearson, El Paso Community Foundation, responded to questions and/or comments of the Council Members.

NOTE: Resolution and Notice of Intent language were amended.

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Motion made by Representative Steve Ortega, seconded by Representative O'Rourke and carried to **AUTHORIZE** the City Attorney to file a Motion in Intervention on behalf of the City and to request a hearing in the Public Utility Commission of Texas Petition of El Paso Electric Company For Authority To Increase Fuel Factor and For Fuel Surcharge, Docket No. 31332, SOAH Docket No. 473-05-7660.

AYES: Representatives Lilly, Byrd, Castro, Steve Ortega and O'Rourke

NAYS: Representatives Lozano and Holguin

Mayor Cook and Representative Lozano commented.

Mr. Norman Gordon, outside counsel, commented.

.....
Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **REJECT ALL BIDS** submitted of Solicitation 2005-223, Sale and Collection of Scrap Metals at Six Citizen Drop-Off Sites. Solid Waste Management Department recommends rejecting all bids.

The user department will review this requirement. A new request for bids will be revised and will be issued.

Mr. Byron Johnson, Director of Purchasing, commented.

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ORDINANCE 16105

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO MUNICIPAL CODE, TO ADD A SUBSECTION IDENTIFYING THE SPEED LIMIT AS THIRTY-FIVE MILES PER HOUR ON SUN FIRE BOULEVARD FROM ZARAGOZA ROAD TO FLORA ALBA DRIVE. THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rick Conner, City Engineer, commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Holguin, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke

NAYS: None ABSENT: Council Member Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16106

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.010 (SCHEDULE I, ONE WAY STREETS), OF THE EL PASO MUNICIPAL CODE, TO ADD A SUBSECTION IDENTIFYING LADRILLO AVENUE EASTBOUND FROM HUDSPETH PLACE TO LEE STREET AS A ONE WAY STREET. THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Mayor Cook and Representative Byrd commented and/or asked questions.

Mr. Rick Conner, City Engineer, explained the Ordinance language and noted that, as a bond project, the residents requested the street be widened. However, after further study, the Department concluded that the street could not be widened and proposed reducing the parking or identifying the street as a one-way. He stated that the residents, by a consensus vote, chose to identify the street as a one-way. He noted that there were no costs associated with the Ordinance.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative O'Rourke, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NAYS: None ABSENT: Council Member Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16107

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO GREAT VIBE, L.L.C. PERMITTING THE ENCROACHMENT OF A SIDEWALK CAFÉ ONTO A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED AT 209 SOUTH EL PASO STREET.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and responded to questions and/or comments of the Council Members.
(presentation on file in the City Clerk's Office) He noted that the DCC (Development Coordinating Committee) had recommended approval.

Mayor John Cook and Representatives O'Rourke, Lozano and Steve Ortega commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative O'Rourke, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NAYS: None ABSENT: Council Member Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16108

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE EAST 60 FEET OF LOTS 1, 2, AND 3, BLOCK 273, CAMPBELL ADDITION, EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO A-O (APARTMENT-OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and responded to questions and/or comments of the Council Members.
(presentation on file in the City Clerk's Office)

Mayor John Cook and Representatives O'Rourke and Byrd commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative O'Rourke, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NAYS: None ABSENT: Council Member Presi Ortega, Jr.
NOT PRESENT FOR THE VOTE: Council Member Byrd

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16109

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00039, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS THE EAST 60 FEET OF LOTS 1, 2, AND 3, BLOCK 273, CAMPBELL ADDITION, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and responded to questions and/or comments of the Council Members. He clarified for the record, parking requirements. (presentation on file in the City Clerk's Office)

Mayor John Cook and Representatives O'Rourke and Byrd commented.

Ms. Joyce Wilson, City Manager, noted for the record, that for purposes of clarity, Departmental documents would be clearly written.

Ms. Lisa Turner, citizen, commented on a Memorandum written by staff in the Planning, Research and Development Department.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative O'Rourke, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NAYS: None ABSENT: Council Member Presi Ortega, Jr.
NOT PRESENT FOR THE VOTE: Council Member Byrd

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16110

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00043, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACT 38, COUNTRY CLUB PLACE, SOUTHSIDE, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.12.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and responded to questions and/or comments of the Council Members. He noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended approval and added that the Department had received neither opposition nor support of the Special Permit request.

Representative Lozano commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative O'Rourke, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NAYS: None ABSENT: Council Member Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16111

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00044 TO SATISFY PARKING REQUIREMENTS FOR PARCEL 1, DESCRIBED AS LOTS 11-20, BLOCK 220, CAMPBELL ADDITION, EL PASO, EL PASO COUNTY, TEXAS, BY ALLOWING OFF-STREET PARKING ON PARCEL 2, DESCRIBED AS ALL OF LOTS 1-4 AND THE WEST 10.5 FEET OF LOT 5, BLOCK 220, CAMPBELL ADDITION, PURSUANT TO SECTION 20.42.040 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and responded to questions and/or comments of the Council Members. He noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended approval.
(presentation on file in the City Clerk's Office)

Representative O'Rourke commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative O'Rourke, seconded by Representative Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NAYS: None ABSENT: Council Member Presi Ortega, Jr.
ABSTAIN: Council Member Byrd

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16112

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00046, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON TRACT 6-C-1, BLOCK 4, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.12.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and responded to questions and/or comments of the Council Members. He noted that the Department had received telephone calls and correspondence opposing the Special Permit request.

Representatives O'Rourke and Steve Ortega commented.

Mr. Matt Watson, Assistant City Attorney, commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative O'Rourke, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NAYS: None ABSENT: Council Member Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16113

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE AND ANY OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF EL PASO AND THE COUNTY OF EL PASO, EL PASO, TEXAS WHICH WILL ALLOW FOR THE CITY TO CONVEY PROPERTY COMMONLY KNOWN AS 211 AND 325 SHELTER PLACE, EL PASO, EL PASO COUNTY, TEXAS, INCLUDING THE IMPROVEMENTS THEREON.**

Mayor John Cook and Representative Lozano commented.

The following City staff members commented:

1. Mr. Byron Johnson, Director of Purchasing, provided background information regarding the property.
2. Ms. Joyce Wilson, City Manager
3. Ms. Terri Cullen-Garney, Deputy City Attorney,
4. Mr. Charlie McNabb, City Attorney, requested that the item be moved into Executive Session.

Mr. Ray E. Gilbert, Jr., citizen, commented on postponing the public hearing for Ordinances.

The City Clerk called for further public comment. There was no further public comment.

Ms. Terri Cullen-Garney, Deputy City Attorney, requested that Council Members approve the Ordinance which authorizes the sale of the two identified properties to the County of El Paso subject to the lease between the City of El Paso and Humane Society for the property at 325 Shelter Place, and authorize the City Manager and the City Attorney's Office to work with the Humane Society and the County on the terms and conditions of the City's lease to clarify the terms, and should there be any revisions to the lease, the revisions would be brought back to Council for Council's consideration.

Motion duly made by Representative Lozano, seconded by Representative Byrd, that the Ordinance be **ADOPTED, AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NAYS: None Absent: Council Member Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED, AS AMENDED**.

.....
NO ACTION WAS TAKEN regarding the City Manager's report of current events and issues, Quarterly Financial Report, 3rd Quarter, to Council.

Mayor John Cook and Representative Byrd, Steve Ortega and Holguin commented.

The following City staff members commented:

1. Mr. Bill Studer, Deputy City Manager for Financial and Administrative Services, gave a Powerpoint presentation and responded to questions and/or comments of the Council Members.
(presentation on file in the City Clerk's Office)
2. Ms. Joyce Wilson, City Manager

.....
Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:14 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- 22.** An Ordinance authorizing the City Manager to sign a Contract of Sale and any other necessary documents between the City of El Paso and the County of El Paso, El Paso, Texas which will allow for the City to convey property commonly known as 211 and 325 Shelter Place, El Paso, El Paso County, Texas, including the improvements thereon.
- 24A.** Litigation against Asarco to collect the costs of remediating properties in and around the El Paso metals site. (551.071)

24B. ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR. (551.071)

24C. ASARCO Particulate Reduction Contract. (551.071)

24D. In the Matter of a Court of Inquiry Cecilio Soto, Cause No. 20040D01555. (551.071)

Motion made by Representative Byrd, seconded by Representative O'Rourke and unanimously carried to **ADJOURN** the **EXECUTIVE SESSION** and **RECONVENE THE MEETING** of the City Council at 12:45 p.m.

(See pages 29 and 30 for discussion on item 22).

.....
NO ACTION WAS TAKEN regarding Litigation against Asarco to collect the costs of remediating properties in and around the El Paso metals site. (551.071)

.....
NO ACTION WAS TAKEN regarding ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR. (551.071)

.....
NO ACTION WAS TAKEN regarding ASARCO Particulate Reduction Contract. (551.071)

.....
NO ACTION WAS TAKEN regarding In the Matter of a Court of Inquiry Cecilio Soto, Cause No. 20040D01555. (551.071)

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Motion made by Representative O'Rourke, seconded by Representative Lozano and unanimously carried to **ADJOURN** this meeting at 12:47 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk